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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/976,476	02/08/2002	Ichiro Hamada	SONYJP 3.0-210	9957

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LERNER, DAVID, LITTENBERG,
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EXAMINER

HENECHAN, MATTHEW E

ART UNIT PAPER NUMBER

2134

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/976,476	Applicant(s) HAMADA, ICHIRO	
	Examiner Matthew Heneghan	Art Unit 2134	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 November 2006.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3,4,6,7,9 and 13-15 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3,4,6,7,9 and 13-15 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 October 2001 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


KAMBIZ ZAND
PRIMARY EXAMINER

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. In response to the previous office action, Applicant has amended claims 1, 3, 4, 6, 7, and 9 add claims 13-15. Claims 1, 3, 4, 6, 7, 9, and 13-15 have been examined.

Claim Rejections - 35 USC § 101

2. In view of Applicant's amendments, all previous rejections under 35 U.S.C. 101 are withdrawn.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 1, 3, 4, 6, 7, 9, and 13-15 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Though Applicant's specification discloses an information processing device connected to a bi-directional IEEE1394 bus, the Specification does not state from what

Art Unit: 2134

external devices the information processing device receives input. There is no suggestion that the external device to which data is being output and the external device from which input is being received are the same device. The recitations of the first limitations of claims 1, 4, and 7 as amended that data is being both input from and output to the same device are therefore new matter. For purposes of this action, it is being presumed that an information processing device having a bi-directional bus for I/O teaches to this limitation.

Claims 3, 6, 9, and 13-15 depend from rejected claims 1, 4, and 7 and include all the limitations of those claim, thereby rendering those dependent claims as failing to comply with the written description requirement.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1, 3, 4, 6, 7, 9, and 13-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 4, and 7 each recite the limitation "said encrypted data" in the fourth limitation. There is insufficient antecedent basis for this limitation in the claim. It is being presumed that the data received by the decoder is encrypted.

Claims 3, 6, 9, and 13-15 depend from rejected claims 1, 4, and 7 and include all the limitations of those claim, thereby rendering those dependent claims as indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 4, and 7 are rejected under 35 U.S.C. 102(b) as being anticipated by WIPO Patent Application Publication No. WO00/52684 to Kihara et al.

NOTE: Though the cited document is in Japanese, an English language translation of the pertinent portions of its specification is available in the specification of U.S. Patent No. 7,155,013. All citations herein are being made with respect to the '013 patent.

Kihara discloses a programmed information processing apparatus connected to external devices via a bi-directional bus (see fig. 1 and column 6, lines 1-14) for device input and output, connected to a DSP, which performs the appropriate encoding and decoding of a digital stream. Since the bus is connected to an external device, the interface format used on the bus must inherently be, at a minimum, a standard between the information processing device and the external device. After decryption, received data is test to determine if it is proper audio data. If it is abnormal (caused by bad decryption or not being audio data), the output is muted (see column 32, lines 26-38).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 6, 9, and 13-15 are rejected under 35 U.S.C. 103(a) as obvious over WIPO Patent Application Publication No. WO00/52684 to Kihara et al.

Regarding claims 3, 6, and 9, Kihara discloses that the judging is performed once a second (see column 32, lines 30-31), but doesn't explicitly state that muting would be terminated if a test were successful.

Official notice is given that it well-known in the art to end a corrective measure if an error condition ceases, as that measure might interfere with the proper function of the system.

Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the invention of Kihara by ending muting if a subsequent test, one second later, were successful, to stop the muting from interfering with the proper function of the information processing device.

Regarding claims 13-15, Kihara does not state what bus protocol is to be used.

Official notice is given that it is well-known in the art to use the IEEE1394 standard for a multi-device bus protocol, as the use of industry standards promotes interoperability.

Therefore it would have been obvious to one of ordinary skill in the art at time the invention was made to modify the invention of Kihara by using IEEE1394 for the bus protocol, as the use of industry standards promotes interoperability.

Response to Arguments

Applicant's arguments, see Remarks, filed 28 November 2006, with respect to the rejection(s) of claim(s) 1, 3, 4, 6, 7, and 9 under 35 U.S.C. 102 and 103 have been fully considered and are persuasive in view of Applicant's amendments. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Kihara.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

Art Unit: 2134

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew E. Heneghan, whose telephone number is (571) 272-3834. The examiner can normally be reached on Monday-Friday from 8:30 AM - 4:30 PM Eastern Time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand, can be reached at (571) 272-3811.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Or faxed to:

(571) 273-3800

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should


Art Unit: 2134

you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MEH



January 19, 2007



KAMBIZ ZAND
PRIMARY EXAMINER